

oxynitride; and
a dielectric layer on the dielectric cap and the conductive container structure.

REMARKS

Claims 1, 6, and 8 are amended, no claims are canceled, and claims 109-111 are added; as a result, claims 6-9, 53-60, 69-76, and 85-111 are now pending in this application.

Claims 1, 6 and 8 are amended to clarify the respective claim and not amended in response to a statutory patentability issue, e.g., a rejection. Each claim recited a dielectric cap. The amendments to claims 1,6, and 8 clarify this feature.

Drawing Objection


The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 4 #70 and Fig. 10 #80. Applicant does not find the reference number 70 in Fig. 4. However, Fig. 5 includes reference number 70. Applicant amends the specification to include reference numbers 70 and 80 as set forth above. The above specification amendments merely add the reference numbers that were in the Figs. 4 and 10 to the text of the specification. It is believed that no new matter is proposed. Approval and entry of the specification amendments is requested. In view of the specification amendments, applicant requests that the drawing objections be withdrawn.

Reservation of the Right to Swear Behind References

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

§102 Rejection of the Claims

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (U.S. 6,025,246). Applicant respectfully traverses. Applicant submits that Kim does not teach a



dielectric layer as recited in independent claims 1 or 6.

The Office Action states that Kim discloses a capacitor structure (Fig. 1F) that contains . . . and an oxide dielectric cap (6a) on top of the sidewalls. However, the structure in Kim identified by 6a is a spacer. Kim's spacer 6a is actually a resist structure. See column 1, lines 50-63. In summary, the spacer 6a prevents etching of the polysilicon layer 5 when forming the outer portion of the storage electrode and forming the interior of the storage electrode. Spacers 6a are removed as illustrated in Fig. 1G. Thus, Kim does not have dielectric caps as recited in claims 1 or 6. As Kim does not teach all of the features of claims 1 or 6, applicant requests withdrawal of the rejection.

§103 Rejection of the Claims

Claim 7, as applied to claim 1, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim. Applicant submits that claim 7 is allowable with its parent claim 6. Allowance of claim 7 is requested.


Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Yoo et al. (U.S. 6,177,340). Applicant respectfully submits that claims 8 and 9 are allowable over Kim and Yoo for at least substantially similar reasons as stated above with regard to claims 1 and 6. Allowance of claims 8 and 9 is requested.

Allowable Subject Matter

Claims 53-60, 69-76, and 85-108 were indicated as allowed.

New Claims

Claims 109-111 are added and believed supported by the specification. Further, these claims are believed to read on the elected embodiment. Examination of claims 109-111 is requested.



Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-349-9587) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

4 Dec 2002

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 4th day of December, 2002.

Name

Amy Moriarty

Signature



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